

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Claude F. Guidroz, Ward I
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
February 2, 2016
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Mayor Pro Tem
Robin Mouton, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **February 2, 2016**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 7-12/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Dr. James Mable, Jr., Youth Pastor at Antioch Missionary Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Getz, Councilmembers Guidroz, Wright, Pate, Samuel and Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

None

Public Comment: Persons may speak on scheduled agenda items 7-12/Consent Agenda.

Emily Baize

6056 Afton Dr.

Beaumont TX

Spoke to Council regarding Item #12 on the agenda; to consider amending Section 14.04.009(h) of the Code of Ordinances to allow for the sale, consumption and possession of alcoholic beverages at the Beaumont Botanical Gardens located at Tyrrell Park, ask that council vote in favor of this item

CONSENT AGENDA

- * Approval of minutes – January 12, 2016

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* Confirmation of committee appointments – **Resolution – 16 - 011**

Steve Hoffman would fill the unexpired term of Douglas Rathgeber on the Police Department Community Advisory Committee. The term would commence February 2, 2016 and expire September 30, 2017. (Mayor Pro Tem Mike Getz)

- A) Authorize the City Manager to execute all documents necessary to accept funding from the Texas Department of State Health Services (DSHS) for the WIC Program - **Resolution 16 – 012**
- B) Approve the renewal of an annual maintenance agreement from SunGard Public Sector for use by Police, Fire, and EMS - **Resolution 16 – 013**
- C) Authorize the City Manager to execute an Industrial District Contract with 850 Pine Street, Inc. - **Resolution – 16 – 014**
- D) Approve a lease agreement with the Beaumont Yacht Club, Inc. - **Resolution 16 - 015**
- E) Authorize the City Manager to execute Change Order No. 5, accept maintenance and authorize final payment to Allco, LLC for the Wastewater Treatment Plant Sludge Pump Replacement Project - **Resolution 16 - 016**
- F) Authorize the Mayor to execute a waiver granting permission for the Jefferson County Mosquito Control District to operate aircraft at a low altitude over the City of Beaumont for mosquito control purposes - **Resolution 16 - 017**
- G) Authorize the City Manager to apply for and receive funding through the Entergy Charitable Foundation for Summer Reading Club programming - **Resolution 16 - 018**
- H) Authorize the City Manager to execute a memorandum of understanding with the South East Texas Regional Planning Commission to facilitate registration for emergency notifications - **Resolution 16 - 019**
- I) Authorize the City Manager to execute a contract with Jefferson County entitled "Interlocal Contract Between City of Beaumont, TX and Jefferson County" providing Jefferson County access to Sungard OSSI Computer Aided Dispatch (CAD) software - **Resolution 16 - 020**
- J) Approve a resolution accepting a Right of Way Easement and a Temporary Construction Easement from Parkdale Mall CMBS, LLC for the Northwest Parkway Project - **Resolution 16 - 021**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a rezoning from RS (Residential Single Family Dwelling) to RM-H (Residential Multiple Family Dwelling - Highest Density) for property in the 800-1000 Blocks, on the North side of W. Cardinal Drive.

A zoning study was done for the area surrounded by Bingman Drive to the northwest, South Kenneth Avenue to the northeast and West Cardinal Drive to the south. Based upon that study, staff recommends that Mr. Gibbs property, and all or the lots to the southeast of his property, be rezoned to RM-H (Residential Multiple Family Dwelling - Highest Density).

The rezoning of these properties to RM-H would not have an adverse effect on the church, and would allow for multi-family developments along with a few commercial uses. Commercial uses would be limited, and would require a Specific Use Permit, triggering notification of property owners within 200 feet.

At a Joint Public Hearing held on January 25, 2016, the Planning Commission recommended 7:0 to rezone property in the 800-1000 Blocks on the North side of W. Cardinal Drive from RS (Residential Single Family Dwelling) to RM-H (Residential Multiple Family Dwelling - Highest Density).

Approval of the ordinance.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED TO RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING-HIGHEST DENSITY) DISTRICT FOR PROPERTY LOCATED IN THE 800-1000 BLOCKS, ON THE NORTH SIDE OF WEST CARDINAL DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 002

2. Consider a request for a rezoning from RS (Residential Single Family Dwelling) to GC-MD (General-Commercial-Multiple Family Dwelling) or a more restrictive district across from 4050 & 4060 Washington Boulevard.

Hani Tohme of Golden Triangle Consulting Engineers plans to submit a plat to divide the property across from 4050 & 4060 Washington Boulevard into seven (7) residential lots fronted by a commercial tract. The portion to be rezoned to GC-MD (General Commercial Multiple Family Dwelling) is approximately 142 feet deep and 307 feet wide. This would leave room for a 50 foot wide residential street to be developed between the proposed commercial lot and the residential lots to the west.

At a Joint Public Hearing held on January 25, 2016, the Planning Commission recommended denial 4:3 for a request for a rezoning from RS (Residential Single Family Dwelling) to GC-MD (General Commercial-Multiple Family Dwelling) or a more restrictive district.

Denial of the ordinance.

Councilmember Wright moved to **DENY AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED RS (RESIDENTIAL SINGLE FAMILY DWELLING) DISTRICT TO GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DWELLING) DISTRICT FOR PROPERTY LOCATED ACROSS FROM 4050 AND 4060 WASHINGTON BOULEVARD, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

ABSTAIN: COUNCILMEMBER MOUTON

Motion Denied

3. Consider a request for a Specific Use Permit for a cellular tower in an LI (Light Industrial) District at 1490 7th Street.

David Petrakovitz of Pyramid Network Services, LLC, representing EcoSite, proposes to construct a cellular tower on 3,150 sq. ft. of leased property, in the rear yard of the Salvation Army facility located at 1490 7th Street. No City Utilities will be required at the unmanned site. Access to the site will be via an access easement from Louisiana Street.

The tower would be 150 feet in height and over 275 feet from the nearest residentially zoned district.

At a Joint Public Hearing held January 24, 2016, the Planning Commission recommended 7:0 to approve a request for a Specific Use Permit for a cellular tower in an LI (Light Industrial) District, subject to the following condition:

1. Provide a copy of the recorded access easement and lease agreement.

Approval of the ordinance, subject to the following condition:

1. Provide a copy of the recorded access easement and lease agreement.

Councilmember Samuel moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A CELLULAR TOWER IN AN LI (LIGHT INDUSTRIAL) DISTRICT AT 1490 7TH STREET, WITH THE CONDITIONS IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 003

4. Consider a request for a Specific Use Permit to allow an assisted living facility in an RM-H (Residential Multiple Family Dwelling-Highest Density) District at 2990 S. Major Drive.

Vera Bagneris is applying to operate an assisted living facility at 2990 S. Major Drive. Ms. Bagneris proposes to provide 24 hour care for twelve (12) elderly residents. Caretakers would be present 24 hours per day, but not living at the property. Some of the clients residing in this facility will require nursing and ambulatory care. Some residents may have limited mobility.

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The applicant is asking for a waiver to any additional landscaping. A four (4) foot chain link fence is located along the north and west property lines, with no existing landscaped buffers. There is no fence along the south property line.

At a Joint Public Hearing held January 25, 2016 the Planning Commission recommended 6:1 to approve a request to allow an assisted living facility in RM-H (Residential Multiple Family Dwelling-Highest Density), subject to the following conditions:

1. Pending approval of food preparation and storage areas by health inspectors.
2. Any improvements made within the state right-of-way shall be permitted by TXDOT.
3. A six (6) foot wide landscaped strip, as prescribed by ordinance, must be located between the front parking spaces and the right-of way.
4. The ADA space shall be signed according to ADA requirements.
5. An eight (8) foot wood or masonry privacy screening fence must be constructed and maintained along the south property line.
6. Building must be brought up to all current applicable fire & building codes, per international fire & building codes - 2009 edition, Including, but not limited to, fire extinguishers, sprinkler system, fire alarm, exit lights, emergency lights, knox box, fixed hood system, and additional hydrant(s) as needed. All electrical systems must meet commercial codes.

And a waiver to any additional landscaping.

Approval of the ordinance, subject to the following conditions:

1. Pending approval of food preparation and storage areas by health inspectors.
2. Any improvements made within the state right-of-way shall be permitted by TXDOT.
3. A six (6) foot wide landscaped strip, as prescribed by ordinance, must be located between the front parking spaces and the right-of way.
4. The ADA space shall be signed according to ADA requirements.
5. An eight (8) foot wood or masonry privacy screening fence must be constructed and maintained along the south property line.
6. Building must be brought up to all current applicable fire & building codes, per international fire & building codes - 2009 edition, Including, but not limited to, fire extinguishers, sprinkler system, fire alarm, exit lights, emergency lights, knox box, fixed hood system, and additional hydrant(s) as needed. All electrical systems must meet commercial codes.

And a waiver to any additional landscaping.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW AN ASSISTED LIVING FACILITY IN AN RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING-HIGHEST DENSITY) DISTRICT AT 2990 S. MAJOR**

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DRIVE, WITH THE CONDITIONS IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.
Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ,
WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 004

5. Consider a request for a Specific Use Permit to allow a retail T-shirt and merchandise print shop in an RCR (Residential Conservation Revitalization) District at 4705 Highland Avenue.

Toni J. Prados, owner of Area Impressions, is asking to open a retail T-shirt business at 4705 Highland Avenue. The property is zoned RCR (Residential Conservation Revitalization). Ms. Prados has operated a beauty salon at this location for at least two years, and currently owns a T-shirt shop at another location.

The shop will not involve screen-printing, but rather a new technology which allows designs to be printed directly onto clothing items and accessories, much as a picture may be printed from an office printer. Designs would be created and printed in the shop.

At a Joint Public Hearing held January 25, 2016 the Planning Commission recommended 7:0 to approve a request to allow a retail T-shirt and merchandise print shop, subject to the following conditions:

1. Parking and driveways must meet city standards.
2. Parallel space at front of building must be next to the building, allowing traffic to flow around it and curb cut on Highland must remain to allow exit of traffic.
3. Paving must extend past the handicapped access isle and handicapped space must have proper signage.
4. An 8 foot privacy fence and 10 foot landscape buffer must be installed and maintained along the east and south property lines.
5. An automatic irrigation system must be installed, sufficient to provide complete coverage of all required landscaping.

Approval of the ordinance, subject to the following conditions:

1. Parking and driveways must meet city standards.
2. Parallel space at front of building must be next to the building, allowing traffic to flow around it and curb cut on Highland must remain to allow exit of traffic.

3. Paving must extend past the handicapped access isle and handicapped space must have proper signage.
4. An 8 foot privacy fence and 10 foot landscape buffer must be installed and maintained along the east and south property lines.
5. An automatic irrigation system must be installed, sufficient to provide complete coverage of all required landscaping.

Councilmember Mouton moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A RETAIL T-SHIRT AND MERCHANDISE PRINT SHOP IN AN RCR (RESIDENTIAL CONSERVATION REVITALIZATION) DISTRICT AT 4705 HIGHLAND AVENUE WITH THE IRRIGATION SYSTEM ONLY BEING REQUIRED ON THE EAST AND SOUTH SIDE WHERE THE LANDSCAPING IS EXISTING ALONG WITH THE OTHER CONDITIONS IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 005

6. Consider a request for an amendment to the Subdivision and Site Development Regulations, Sections 26.01.006, 26.03.002, 26.03.004 and 26.03.008

Staff was recently approached about amending the Subdivision and Site Development Regulations to allow rural-type subdivisions in an area two miles beyond the city limits to the five (5) mile extraterritorial jurisdiction. This three (3) mile *Planning Area* has experienced a limited amount of development in the past and it is not expected that this area will be annexed any time in the near future. Allowing this reduced standard within the *Planning Area* would encourage more affordable development in the rural area, yet still be close to Beaumont. This would ideally encourage the construction of more homes, with residents still being able to take advantage of the goods and services offered by the region's largest city.

The recommended amendments are as follows:

Sec.26.01.006, Definitions

Amendment:

Planning Area. *The Planning Area shall constitute an area beginning two (2) miles from the corporate limits of the city and extending out an additional three (3) miles to the boundary of the five (5) mile extraterritorial jurisdiction.*

Sec. 26.03.002, Streets

Amendment:

(12) *For subdivisions located within the Planning Area, as defined herein, street design, construction and acceptance shall be in accordance with the standards set forth in the **Jefferson County Subdivision and Development Regulations** and approved by the county engineer. Curbs are not required and open roadside ditches may be used for drainage.*

Sec. 26.03.004, Sidewalks

Amendment:

(4) *For subdivisions located within the Planning Area, as defined herein, sidewalks shall not be required.*

Sec. 26.03.008, Streetlights

Amendment:

(d) *For subdivisions located within the Planning Area, as defined herein, streetlights shall not be required.*

At a Joint Public Hearing held on January 25, 2016, the Planning Commission recommended approval 7:0 to amend the Subdivision and Site Development Regulations, Sections 26.01.006, 26.03.002, 26.03.004, and 26.03.008.

Councilmember Guidroz moved to **ADOPT AN ORDINANCE ENTITLED AND ORDINANCE AMENDING CHAPTER 26, SECTIONS 26.01.006, 26.03.002, 26.03.004 AND 26.03.008 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, TO MAKE CHANGES AND ADDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND MOUTON

NAYS: COUNCILMEMBER SAMUEL

MOTION PASSED

Ordinance 16 – 006

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7. Consider a resolution approving the purchase of 12 refuse trucks from Chastang's Bayou City Autocar, Inc., of Houston.

The Autocar trucks with automated side loaders will be used by Solid Waste to remove refuse from City neighborhoods. These units will be replacing similar trucks which are seven (7) or more years old. The age and mileage of the older units has led to increased maintenance costs rendering them unfit for continued use. The new bodies have been redesigned to require less maintenance. The new chassis is right hand drive, allowing greater control, maneuverability and overall safety.

Pricing has been obtained through the Houston-Galveston Area Council (H-GAC). H-GAC is a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment and volume pricing. H-GAC complies with the State of Texas procurement statutes.

The cost per unit is \$295,578. The H-GAC fee of \$1,500 is included in the total price. Basic warranty provided is five (5) years. Warranty service will be provided by Smart's Truck & Trailer Equipment of Beaumont.

Estimated delivery time is 180 days.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF TWELVE (12) REFUSE TRUCKS FOR USE BY THE SOLID WASTE DIVISION FROM CHASTANG'S BAYOU CITY AUTOCAR, INC., OF HOUSTON, TEXAS.** Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 16 – 022

8. Consider a resolution approving the purchase of 24 vehicles from Silsbee Ford for use by various City departments.

Replacement vehicles are requested through the City's budget process. The Fleet Manager reviews the requests and evaluates the vehicles to be replaced. Based on this evaluation, a recommendation is made to replace worn and obsolete vehicles that are no longer cost effective to operate. The vehicles to be purchased are replacing models ranging from 1998 to 2010. The newer vehicles may be

reassigned by the Fleet Division where appropriate. The older vehicles will be disposed of in accordance with the City's surplus equipment policy because age and mileage render them unfit for continued service.

Pricing was obtained through the Texas Association of School Boards (BuyBoard), a cooperative purchasing association providing cities and political subdivisions with the means to purchase specialized equipment at volume pricing. BuyBoard complies with State of Texas procurement statutes. The total purchase price includes the BuyBoard fee of \$400 which is paid to the vendor.

Warranties of 36,000 miles or three (3) years are provided for each new vehicle. Warranty service is provided by local authorized dealerships. Delivery is expected within sixty (60) to ninety (90) days.

Approval of the resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF TWENTY-FOUR (24) VEHICLES FOR USE BY VARIOUS CITY DEPARTMENTS FROM SILSBEE FORD, OF SILSBEE, TEXAS. Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, PATE, SAMUEL AND MOUTON

NAYS: COUNCILMEMBER WRIGHT

MOTION PASSED

Resolution 16 – 023

9. Consider amending Section 2.03.075 of the Code of Ordinances by reducing the number of Grade III (Lieutenant) positions from 16 to 15 and increasing the number of Grade I (Officer) positions from 195 to 196 in the Beaumont Police Department

A Grade III Lieutenant's position is vacant due to a recent retirement. Chief Singletary wishes to delete this vacant position and create a new Grade I Officer position within the Police Department.

Approval of the ordinance.

Councilmember Guidroz moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING SECTION 2.03.075 OF THE CODE OF ORDINANCES BY REDUCING THE NUMBER OF GRADE III LIEUTENANT POSITIONS IN THE BEAUMONT POLICE DEPARTMENT FROM SIXTEEN (16) TO FIFTEEN (15) AND INCREASING THE NUMBER OF GRADE I OFFICER POSITIONS IN THE

BEAUMONT POLICE DEPARTMENT FROM ONE HUNDRED NINETY- FIVE (195) TO ONE HUNDRED NINETY-SIX (196); PROVIDING FOR SEVERABILITY AND PROVIDING FOR REPEAL. Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 007

10. Consider a resolution authorizing the City Manager to execute an Industrial District Contract with ExxonMobil Oil Corporation.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City's contract with ExxonMobil Oil Corporation expired December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The payments for 2016 through 2018 will be subject to a floor and ceiling of 10% of prior year payment and 7% for payments due in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. The 2016 payment will be due March 1, 2016 and future payments will be due to the City by February 1st of each year.

Approval of the resolution.

Councilmember Wright moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH EXXONMOBIL OIL CORPORATION. Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 16 – 024

11. Consider a resolution authorizing the City Manager to execute an Industrial District Contract with Coastal Caverns, Inc.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

This new contract with Coastal Caverns, Inc., will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Approval of the resolution.

Councilmember Guidroz moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH COASTAL CAVERNS, INC.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 16 – 025

12. Consider amending Section 14.04.009 (h) of the Code of Ordinances to allow for the sale, consumption and possession of alcoholic beverages at the Beaumont Botanical Gardens located at Tyrrell Park

On July 28, 2015 the City Council approved ordinance 15-026 which allowed for alcohol to be sold, consumed, and possessed at any city park, so long as the use of alcohol was in conjunction with a city-sponsored event.

The proposed amended ordinance would allow for the sale, consumption, and possession of alcoholic beverages at the Beaumont Botanical Gardens located with Tyrrell Park.

Approval of ordinance.

Councilmember Mouton moved to ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 14, SECTION 14.04.009(H) OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, TO ALLOW FOR THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AT THE BEAUMONT BOTANICAL GARDENS LOCATED AT TYRRELL PARK; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING A PENALTY. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, SAMUEL AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 16 – 008

Mayor Ames read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.

COMMENTS

- * Councilmembers/City Manager comment on various matters
- * Public Comment (Persons are limited to 3 minutes)

COUNCILMEMBER COMMENTS

COUNCILMEMBER GUIDROZ -

COMMENTED ON THE LAMAR UNIVERSITY BASKETBALL TEAM, AS WELL AS THE SUPERBOWL ON SUNDAY, COMMENTED ON THE EVENT FOR AN EMPLOYEE THAT IS FIGHTING A SERIOUS ILLNESS WHICH IS CALLED "TEAM CAROL", THE EMPLOYEES WILL BE SELLING LINKS AND BOUDAIN DINNERS, ALONG WITH T-SHIRTS, IF ANYONE IS INTERESTED PLEASE PURCHASE A TICKET TO HELP SUPPORT, CONGRATULATED ALLISON GETZ ON BEING INSTALLED AS PRESIDENT OF THEIR SYNAGOGUE

MAYOR PRO TEM GETZ -

EXPRESSED HIS APPRECIATION TO THE STREET REPAIR CREW THAT HAS BEEN GOING OUT AND REPAIRING THE STREETS THROUGHOUT THE CITY, IT'S NOTICEABLE AND THE STREETS LOOK REALLY GOOD, ALSO CONGRATULATED HIS WIFE ALLISON ON BEING INSTALLED AS PRESIDENT OF THEIR SYNAGOGUE THIS PAST SUNDAY NIGHT, SHE BEGINS A TWO YEAR TERM

AND VERY EXCITED, STATED THAT HE HAS RECEIVED SEVERAL CALLS IN REGARDS TO THE LIBRARY

COUNCILMEMBER WRIGHT -

STATED THAT SHE WAS VERY HAPPY TO SEE SO MANY CITIZENS AT THE MEETING, STATED THAT SHE COULD NOT DISCUSS WHAT WOULD BE TALKED ABOUT IN EXECUTIVE SESSION, WANTED ALL CITIZENS TO KNOW THAT IF ANY CITIZEN WANTS SOMETHING DONE TO PLEASE CONTACT ALL COUNCILMEMBERS, IT TAKES FOUR VOTES AND THAT SHE CANNOT DO ANYTHING BY HERSELF, SHE ALSO STATED THAT WHAT SHE WILL TAKE INTO EXECUTIVE SESSION IS THAT THE CITIZENS DON'T WANT TO CLOSE THE DOWNTOWN PUBLIC LIBRARY AND THEY DON'T WANT TO SELL IT, STATED THAT THE CITIZENS ARE THE ONES THAT GOVERN HER

COUNCILMEMBER PATE -

CONGRATULATED ALLISON GETZ ON BEING INSTALLED AS PRESIDENT TO THE SYNAGOGUE, COMMENTED ON WILL DAVIS THE NEW BASEBALL COACH AT LAMAR UNIVERSITY, COMMENTED ON FOOTBALL SIGNING DAY WHICH WILL BE FEBRUARY 3, 2016, ALSO COMMENTED ON COACH GILLIGAN WHO WILL BE RETIRING THIS YEAR

COUNCILMEMBER SAMUEL -

NONE

COUNCILMEMBER MOUTON -

CONGRATULATED KENNETH BABINO FOR A GREAT CONCERT ON SATURDAY NIGHT AT THE JEFFERSON THEATRE, ALSO THANKED ALL OF HER NEIGHBORS WHO SHOWED UP AT COUNCIL ON TODAY, THANKED THEM FOR THEIR PHONE CALLS REGARDING THE ZONING ISSUES IN THEIR NEIGHBORHOOD, STATED THAT SHE'S HERE TO SERVE THEM, THAT IS WHY THEY ELECTED HER, ALSO THANKED PASTOR JAMES MABLE, JR. FOR BEING AT COUNCIL AND GIVING THE INVOCATION

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

THANKED AND COMMENDED THE EMS, POLICE, FIRE AND ANYONE ELSE THAT HAD ANYTHING TO DO WITH THE INCIDENT AT MARSHALL MIDDLE SCHOOL, VERY

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FORTUNATE THAT THERE WAS ZERO CAUSALITIES,
EVERYONE DID A GREAT JOB IN HELPING THE
STUDENTS AND EMPLOYEES OF BISD, ALSO
COMMENTED ON DOWNTOWN BEAUMONT AND THE
DOWNTOWN PUBLIC LIBRARY

Public Comments (Persons are limited to three minutes)

Dora Nisby

4520 Corley St.

Beaumont TX

Spoke in regards to the Downtown Public Library, stated that several citizens of Beaumont traveled to Houston to see how their e-library which is called an Express Library is operated, Ms. Nisby discussed with Council what they observed when visiting the Express Library, it was also expressed that she does not want to see the Downtown Library closed, asked that Council please not consider to sell, lease, or exchange the library

Joanne Broussard

4260 Pierre Dr.

Beaumont TX

Thanked Mayor and Council for supporting the Planning Commission's vote not to rezone their neighborhood from the current single family dwellings, also thanked her neighbors for all of their support

Marilyn Hayes

630 Belvedere

Beaumont TX

Spoke to Council in regards to the Downtown Library, stated that the libraries are more than just a library, it's a place where you can get your taxes done, Spanish classes are offered and so much more, also stated that the Downtown Library is the best piece of property in the City, wanted Council to know that she is against the City getting rid of the Downtown Library

Glenn Darden

4180 Simpson Dr.

Beaumont TX

Thanked Council for voting in favor of denying the zoning of their neighborhood and to keep it a single family dwelling, thanked them for listening

Willie Coleman

3285 Blossom

Beaumont TX

Thanked Council for letting them keep their single family dwelling neighborhood, this proves that Council does listen to their citizens, wished that it could have been a unanimous vote with the Planning and Zoning Commission as it was with the Council

Mike Mahood

P.O. Box 20572

Beaumont TX

Stated that he also went on the tour to see the Express Library in Houston, he said he did ask the question as to whether the City built the Express Library to replace any of the other libraries and they were told no, also stated that all of the City buildings need to be looked at for energy conservation

Joyce Bowman

902 East Drive

Beaumont TX

Thanked Councilmember Wright for the article she wrote in the Beaumont Enterprise in support of the Library, stated that she is a member of the Friends of the Library, also stated that public libraries are very important in her life, the downtown Library is needed for all citizens within the City of Beaumont, doesn't think that getting rid of the downtown Library sends the right statement about quality of life in Beaumont, does not want to see the Downtown library taken away

Alice Ramsey

3440 Goliad

Beaumont TX

Thanked Council for the zoning vote to keep their neighborhood a single family dwelling status, very happy that council is paying attention to what the citizens are saying, also stated that education is very important and it's because we have good librarians and libraries, asked that every consideration is given to keep the Downtown Library because we need to encourage education to preschool all the way through college, please keep the Library open

Linda Esch

5870 Cole Rd. #3

Beaumont TX

Spoke in favor of maintaining and keeping the Downtown Library, stated that it not only keeps families here but it is something that is needed for the children to have a place to go and get additional learning by reading

Linda Cooper

1655 Rikisha Ln.

Beaumont TX

Spoke in regards to the City keeping the Downtown Library, stated that it's the second most busiest library in the City, it offers internet, a copier, a children's department, puppets the kids can play with, citizens can check out DVD's etc., the books are also offered in bilingual as well

Wilfred Richard

3680 Blossom Dr.

Beaumont TX

Thanked Council for the zoning approval in regards to their neighborhood, also spoke regarding a red light that is needed at Blossom and Washington, stated that Washington Blvd. is a very busy street the red light is very much needed especially since there is construction going on

Beverly Hatcher

3095 Blossom Dr.

Beaumont TX

Commented on keeping the Downtown Library, asked that Council look at this property and consider keeping this for the citizens, we have heard loud and clear that this is just a discussion, stated that as a citizen and a tax payer that she does not want the Downtown Library closed

Vernon Durden

2110 Westbury Rd.

Beaumont TX

Stated that last year he came to Council several times about a Youth Council, this Council would be a forum for the youth to talk to council about their challenges and what's important to them, the City is losing their youth they are moving to other places because Council doesn't give them a pulpit and they have no audience, stated that Council needs to give the youth an opportunity to speak by creating the Youth Council

Open session of meeting recessed at 2:45 p.m.

EXECUTIVE SESSION

- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Shannon Pankow; EEOC Charge No. 460-2014-03866C

Claim of Reaud Foundation

Claim of Sgt. Burt Moore, Officer Tony Harding, Sgt. Barry Scarborough and Det. Anthony Goudeau

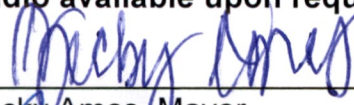
United States of America vs. City of Beaumont, Texas; Civil Action No. 1:15CV201

- * Discuss and deliberate economic development negotiations regarding a business entity proposing a hotel and water park development at Ford Park as authorized by Section 551.087 of the Government Code
- * Consider matters related to the deliberation of the purchase, exchange, lease or value of real property in accordance with Section 551.072 of the Government Code, to wit:

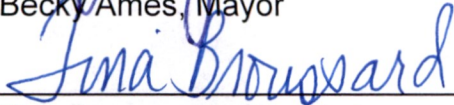
Beaumont Public Library
801 Pearl Street
Beaumont, Texas

There being no action taken in Executive Session, Council adjourned.

Audio available upon request in the City Clerk's Office.



Becky Ames, Mayor



Tina Broussard, City Clerk

